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B. R. T. SUES CITY TO GET \$300,000,000

Claims Damages for Failure to Turn Over All Parts of Dual Subway.

IS IN FEDERAL COURT

Follows Quickly Gov. Miller's Caustic Criticism of Hyman Board Delay.

RECALLS PREVIOUS SUIT

Four Years Behind on Some Lines—Nassau Street Is One Big Missing Link.

Because of its delay in completing essential parts of the subway system to be equipped and operated by subsidiaries of the Brooklyn Rapid Transit Company, the city of New York was confronted yesterday by a damage suit for \$300,000,000.

Lindley M. Garrison, receiver for the New York Consolidated Railway Company and the New York Municipal Railways Corporation (B. R. T. lines), brought suit in the United States District Court in Manhattan to compel the performance by the city of its obligations under Contract No. 4 of the dual subway contracts, entered into in 1913, and also to recover the sum named, which is declared to be the minimum damage suffered by the receiver and the companies by reason of the failure of the city to perform its part of the contract.

It is alleged that the amount of damages claimed will continue to increase until the city constructs and delivers the uncompleted sections of the system as provided under the obligations incurred nine years ago. The Transit Commission is made a co-defendant in the action, but for technical reasons only.

One of the important counts in the complaint is the city's alleged failure, because of the obstructive attitude of the Board of Estimate, to place in operation the Fourteenth street-Eastern District cross-town line, into Williamsburg and Brooklyn. This is the enterprise, which Gov. Miller laid special stress in his address delivered on Wednesday at the luncheon of the Fifth Avenue Association.

Actual Tunnel Finished.

Actual tunnel construction for this line was completed more than six months ago. Approved contracts providing for ties, tie plates, track work and other essential details—ten contracts in all, aggregating less than \$200,000—have been duly forwarded by the Transit Commission to the Board of Estimate for the necessary appropriations. These requisitions have been sent to the board on dates varying from six to twelve months ago. They either have been ignored, rejected or returned to the commission without comment.

Money for the fulfillment of these ten contracts would have made it possible within fifteen months after favorable action to have operated the Fourteenth street-Eastern District subway line from Sixth avenue, Manhattan, into Williamsburg. Concerning this situation, which the Governor discussed and which was made clear by The New York Herald yesterday, Mr. Garrison's bill in equity says:

"Approximately 100,000 passengers per day, who now travel between the vicinity of East New York in Brooklyn and the vicinity of Fourteenth street and Broadway in Manhattan, via the Broadway (Brooklyn) elevated line have been and are being required, until said Fourteenth street-Eastern District line is placed in operation, to change cars between this line in the Center street loop and the subway line in Broadway, Manhattan (Canal street) instead of being carried through to their destination without change of cars."

The extent of this inconvenience was indicated in testimony given before the Transit Commission last Monday to the effect that rush hour trains through the Center street loop carry as many as 320 passengers jammed into each car.

Just a Coincidence.

The filing of the receiver's court complaint on the day immediately following Gov. Miller's caustic arraignment of the operations of the Board of Estimate and the Mayor, though a striking coincidence, is merely an interesting coincidence. Addressing the commission under date of March 18, Seward Prosser, acting chairman of the B. R. T. stockholders' protective committee, wrote the court would be asked to assess damages on the city.

Three years ago, while Col. Timothy S. Williams still was president of the B. R. T., action was begun for the recovery of \$200,000,000 damages against the city. When Mr. Garrison became receiver, however, he entered into an agreement with the predecessors of the present Transit Commission to withdraw the suit, with the stipulation that it might be renewed on twelve days' notice.

Receiver Garrison's present complaint sets forth that, although nine years have elapsed since the signing of the contract with the city, construction contracts for the Nassau street subway in Manhattan have not been made and that no part of the Fourteenth street Eastern District line has been placed in operation.

The complaint further charges that the city's failure to construct the Nassau street line has prevented the operating company of the full use of all the tracks of the DeKalb avenue station and has prevented also the giving of through service on trains across both the Williamsburg and Manhattan bridges through lower Manhattan to a connection with the Whitehall-Montague street tunnel near the Battery.

It is averred that delays by the city have made it necessary for the receiver and the companies to provide equipment and construction at war time prices for labor, materials, etc., which otherwise they could have provided at previous prices. Nor has it been possible to operate the system as a unit as contemplated.

In the Canal street station of the B. R. T. subway, a point at which the daily congestion is frightful, work was started yesterday to install safety rails on the platform. During rush hour struggles two persons have been killed and others injured seriously.

Many More Get Jobs, Survey of U. S. Shows

WASHINGTON, April 20.—A decided and continued upward trend in employment throughout the country during the last thirty days was reported today by the President's conference on unemployment. For every 100 jobs available there are now 160 applicants, as compared with 226 applicants in January, the statement said. Based on an estimate of 3,500,000 jobs, this means employment for 630,000 individuals.

SWIFT CONVICTIONS IN TWO ROBBERIES

Clyde Co. Thief Found Guilty in Four Minutes; Seaman in One Minute.

Two convictions for first degree robbery were made in swift time yesterday by juries in the Court of General Sessions, one jury delivering its verdict to Judge Mancuso in a single minute and the other, before Judge Crain, in four minutes.

Other outstanding developments of the fourth day of District Attorney Banton's drive against crime were the sentencing of a man to seven and a half to twenty years for manslaughter, the conviction of another man for first degree robbery and the entering of two guilty pleas for grand larceny.

The third conviction for robbery was considered remarkable by the District Attorney because the complaining witness failed when on the stand, to identify the defendant. The prosecutor, however, succeeded in convincing the jury that the witness knew the prisoner but refused to identify him for some ulterior reason.

The homicide defendant sentenced by Judge McIntyre in General Sessions was Morris A. Sheehy, 24, of 311 East Eighty-eighth street, who had previously pleaded guilty to shooting Walter Valenciano, a member of the 103rd Field Artillery. The killing occurred at a dance in the armory on February 14. It followed a quarrel between Valenciano and Sheehy, who was a supply sergeant.

The only other homicide case to come before the courts yesterday was that of James Tague, 29, a restaurant proprietor of 44 Myrtle place. An indictment charging him with first degree manslaughter in causing the death of Anna Mungavin, a waitress at the Wolf-Artoria Hotel, was dismissed by Judge McIntyre.

The two quick convictions were in the cases of Peer O'Donnell, 35, of Long Branch, and Joseph Pradillon, 38, of 189 Park row, a seaman. The jury took four minutes to convict O'Donnell, which was a record for the court, until two hours later the jury trying the sailor broke it by deliberating for only a minute.

O'Donnell and another man were charged with holding up two clerks in the office of the Clyde Steamship Company, Fifth avenue and Forty-second street, on September 2. They bound and gagged the clerks—Adolph Stern and Ralph Leonard—stole \$51 in cash, and fled. The indictments charged the men with beating up a third sailor on February 15 and stealing \$33 from him. He is William Slattery, 48, of 507 West street.

Frederick J. Fredericks, 24, of 506 West Forty-ninth street, was the man convicted of first degree robbery in spite of failure of the complainant to identify him. Justice Finch in the Supreme Court remanded him to Tombs prison for sentencing April 27. He was charged with holding up and robbing Adolph Yosselin of 146 St. Mark's avenue, Brooklyn, a taxicab driver, at Forty-eighth street and Broadway on March 19. Yosselin identified him at that time, later in the Magistrate's Court and still a third time before the Grand Jury. James M. Donohue, Assistant District Attorney, brought out that since then the defendant's wife had been to see the complainant to plead for Frederick.

The two men who pleaded guilty to grand larceny before Judge Crain are George Rice, 30, of 86 Lenox avenue, Jersey City, a longshoreman, and William Geshue, 33, of 14 Washington street, a laborer. They robbed a cash register in the restaurant of Thomas Paglioli, 1 Carlisle street, of \$200 on January 30.

The following comparative table of indictments filed, disposed of and pending in the periods from January 1 to April 19 of 1921 and 1922 was issued by the District Attorney:

	1921.	1922.
Indictments.....	2,002	2,488
Pending January 1.....	1,925	1,729
Filed.....	2,928	4,217
Disposed of.....	1,409	1,912
Pending April 19.....	2,251	2,301

Total..... 2,740 4,214
The difference in the two totals of the respective years is accounted for by the indictments filed and on which no arrests have been made.

STOLEN GOODS LAW IS URGED BY BANTON

Would Make Possession Prima Facie Evidence of Guilt.

"We wouldn't have thieves, robbers or burglars," District Attorney Banton said before the Rotary Club in the Hotel McAlpin yesterday. "If there was not a market for their loot. The most contemptible thief is the receiver of stolen goods. He tempts young boys, shipping clerks and office and store employees and is the cause of a very large percentage of young men turning criminals. Our conditions of these men are only 8 per cent. This is too small. But they are well organized and they always have excuses that they didn't know the goods were stolen."

Mr. Banton said that he would press before the Legislature a law holding that possession of stolen property shall be considered prima facie evidence that the possessor knew it was stolen, and he said that if this law could be got through crime in New York would, in his judgment, be materially reduced.

ST. GABRIEL'S ROBBED; ALTAR VESSELS TAKEN

Money Stolen From Poor Boxes; Second Theft in Week.

Burglars broke into St. Gabriel's Roman Catholic Church, at Thirty-sixth street and Second avenue, on Sunday. It was learned yesterday, and carried away \$150 from the poor boxes, together with sacred vessels from the vestry valued at \$2,500. Another burglary of this church is alleged to have been attempted Wednesday afternoon by Jerry Lupo of 65 Mott street, who was arraigned in the Night Court Wednesday on a charge of unlawful entry, and held for trial in Special Sessions.

The charge against Lupo was made by Michael Sheehan, sexton of St. Gabriel's, who said he found his ransacking the drawers in the vestry.

KIDNAP AFTER BOAST OF \$500 IN STOCKING

Janitress Had Deposited Money Before Attack in Upper Fifth Avenue.

SLAYER GOT NOTHING

Brained Woman With One Blow of Furnace Shaker; Thieves Arrested.

Mrs. Elizabeth Dragowitsky, 57, of 1 West 118th street, who is the janitress of that and another nearby flat house at 1462 Fifth avenue, confided to neighbors a few days ago that she was carrying \$500 in rent collections in her stocking to protect it from burglars during the crime wave. Last night when she entered the basement of the house at 1462 Fifth avenue she was attacked by a robber, who struck her a heavy blow on the forehead with a furnace grate shaker, crushing in her skull.

The robber, after killing the woman with one blow of the shaker, which is eight feet long and weighs eight pounds, made a search of the body, but went away empty handed. The \$500 which Mrs. Dragowitsky had carried in her stocking, and which the police believe was primarily responsible for her murder, was deposited in a Harlem savings bank on April 17, but the janitress had neglected to say anything about the deposit to the neighbors.

Husband Finds Body.

It is believed that Mrs. Dragowitsky left her own apartment about 4:30 o'clock and went to the basement of the Fifth avenue house to do some work around the furnace. What happened after she got there nobody knows. The theory of the police is that the slayer concealed himself in the basement and struck her down without warning. The husband of Mrs. Dragowitsky returned home at 6 o'clock, and not finding his wife in their apartment started a search. He found her body lying on the floor of the basement near the furnace. He called the police and they arrived. The husband summoned Patrolman Louis Hargrave of the West 123d street station and detectives under Inspector Cornelius Chahalan later stated that he and his partner had been investigating the murder. Dr. Benjamin Schwartz of the Medical Examiner's office said in view of the condition of the woman's skull it was evident that the slayer had been using a powerful man. The clothing was disarranged, indicating to the police that the slayer had searched the body for money.

Arrest in 45 Minutes.

Forty-five minutes after they had been asked by the police of Rahway, N. J., to catch Joseph Halisk, railroad brakeman out of work, and hold him on suspicion of having blackjacked and robbed Michael Kolack of that city of \$250 and his jewelry, Manhattan detectives nabbed the fugitive 300 miles from Avenue A and Fourth street.

In The Bronx an attempt was made to steal a Police Department flivver when a sergeant and a patrolman went into a cigar store. They arrested Jack Mass, 28.

Three Italians picked up by the police in a poolroom at Fourteenth street and Fourth avenue were held in the Essex Market Court in \$5,000 bail apiece, on a charge of robbery, for examination tomorrow. When one of them, Rocco Marrone, was searched, there was found in his pocket a letter from John Gentile, a prisoner in the Tombs awaiting trial. The letter asked Marrone to get the ex-soldier Gentile, a convict, out of having, robbed not to testify at Gentile's trial.

Edward Altenheim, describing himself as a farm laborer, tried to pawn a \$200 watch in a Cooper Square shop for \$10. The proprietor called a policeman. In Altenheim's pockets were 100 shares of the Wisconsin Central Railroad, which, with the watch, were identified by Richard Howard of 156 Fifth avenue as his property. Altenheim confessed that he had worked for Mr. Howard and that he had skipped with the valuables.

Al McCoy, former middleweight champion, whose real name is Alvin Karpis, was arraigned in the Adams street court, Brooklyn, on a charge of possessing a pistol without a legal permit. He was held in \$1,000 bail.

FRAUD CHARGE MADE IN HOTCHKISS'S WILL

Justice's Daughters Cut Off in Big Estate, Accuse Cousin.

Alleging "fraud and undue influence" by Mrs. Mabel Hotchkiss Roche of 61 East Eighty-sixth street, in connection with the will of her cousin, the late Supreme Court Justice Henry D. Hotchkiss, Mrs. Florence Strong Hotchkiss and Mrs. Helen Ehlerman, his daughters, have filed objections to the probate of the will and have asked for a trial by jury.

This became known yesterday coincident with Surrogate Chahalan's appointment of the widow, Mrs. Alice T. Hotchkiss, of 215 West Seventy-fifth street, and the Bankers Trust Company as temporary administrators of the estate.

Justice Hotchkiss died of pneumonia March 6. The estate has been estimated as worth approximately \$200,000. The will makes no provision directly for the two daughters, although bequeathing certain amounts to their children upon the death of other beneficiaries.

Justice Hotchkiss established a trust fund of 3,600 shares of common stock of the City Investing Company. The income of 3,000 shares is bequeathed to his wife, the principal of the fund, after his death to be transferred to the two children of his daughter, Mrs. Strong Hotchkiss.

To Mrs. Roche is bequeathed the income of 500 shares, with the provision that upon her request, "and if in the opinion of my said trustees it appears desirable," she may receive the income from a portion "not to exceed in the aggregate one-half of the principal" of the trust fund.

Mrs. Roche and Mrs. Strong Hotchkiss, who with Justice Hotchkiss during his brief illness, Mrs. Roche is said to have come to the family home, at 315 West Seventy-fifth street, to have charge of the household. Last night, after the elder Mrs. Hotchkiss sailed for Europe with her daughter, Mrs. Ehlerman, for her health. They were in France when he died.

SMITH'S RELATIVE PROMOTED.

Christopher J. Dunn, brother-in-law of former Gov. Smith, was promoted from Third to First Deputy of the Department of Public Welfare by Commissioner Coker yesterday. He lives at 184 East 145th street and was formerly Deputy Clerk of The Bronx County Court. Mr. Dunn succeeds Clarence W. Gormly, who resigned on April 15.

"Do you know what makes you flappers so treacherous and so nasty sometimes?" It is that glorious thing called life coursing through your veins and clamoring for an outlet." So says Elmer Giv, hotel writing who has just completed a series of thought-stimulating stories on "The Flapper" for The American Pictorial edition of The New York American. The first article appears next Monday morning.—Ad.

BRAINS ARE HELPFUL, BUT NOT NECESSARY, ASSERTS PROFESSOR

'Mongrel Races More Intelligent Than Pure Bred Peoples.'

PHILADELPHIA, April 20.—Intelligence is helpful but not at all necessary, Dr. Lightner Witmer, professor of psychology at the University of Philadelphia, told educators today at the ninth annual session of Schoolmen's Week.

"Education is the device of civilization to keep us from encountering new problems," Dr. Witmer said. "The most common employed is the pupil how to solve problems instead of letting him solve them for himself. This makes the exercise of intelligence unnecessary. If a pupil has intelligence it may facilitate the schoolmaster's task, but pupils and teacher can get along quite well without it."

Tracing the history of the profession of teaching, Dr. Witmer declared the serpent in the Garden of Eden was the first teacher and the first intelligence test was when Adam was "forced to choose between innocence and knowledge."

Mongrel races, he asserted, are more intelligent than pure bred peoples. "The purer the blood the more stupid," he said.

Intelligence was described by Dr. Witmer as "individualism rampant" and "successful eccentricity." Observation has shown, according to Dr. Witmer, that intelligence cannot be acquired through education.

"Intelligence is a congenital endowment," he added, "but it is not inheritable. One might breed human beings for efficiency and intellect, but genius is in the hands of the gods."

PHONOGRAPHS CALLED MENACE TO PRINCETON

Time Wasted, Study Prevented, Says Hermance.

Special Dispatch to THE NEW YORK HERALD. PRINCETON, April 20.—The phonograph has become one of the most serious menaces to American universities, say several professors in Princeton. It now ranks with bridge, dances, "petting" and other diversions which attract the undergraduate from his books. Says Prof. Randolph Hermance, supervisor of freshmen:

"One man goes to visit a friend's room and immediately they indulge in a phonographic session, playing such records as 'The Swanee River' and 'Swanee Song' with no apparent interest in the music. And so one more perfectly good hour is wasted in the idle and useless amusement."

The Daily Princetonian supports Prof. Hermance's saying that with music wafted across the campus at all hours undergraduates vainly attempting to absorb knowledge are helpless.

HEIRESS ASKS DIVORCE FROM 'GOLF MANIAC'

Also Says H.B. Lee Defrauded Her of \$33,000.

Special Dispatch to THE NEW YORK HERALD. DETROIT, April 20.—Mrs. Helen Bourne Lee, only daughter of Henry B. Lee, Detroit capitalist and a leader in the younger society set, has brought suit for divorce from Howard B. Lee, former holder of the Michigan State amateur golf championship, who, she charges, is a "golf maniac." In a second suit against the Highland Park State Bank to-day Mrs. Lee charges the bank assisted her husband in defrauding her out of \$33,000 worth of bonds and asks \$60,000 damages.

In her divorce suit she stated her husband neglected her and their three children to play golf. She also charges cruelty in that he borrowed money from her and misled her in his course of financial transactions.

LET LIBERTY BELL STAY. PHILADELPHIANS URGE

Fear Trip to Chicago Would Damage Sacred Relic.

PHILADELPHIA, April 20.—Protests against granting the request of officials at Chicago that the Liberty Bell now in Independence Hall be sent to Chicago, where an educational festival will be held in July, were made today by members of the Colonial Dames Society, the Civic Club and the New Century Club. The protests were on the grounds that the relic might be damaged. A petition bearing the signatures of 3,000 school children in seven middle Western States has been forwarded to Philadelphia asking that the bell be sent to the festival.

PATIENTS AT BELLEVUE TO SEE SPECIAL CIRCUS

Show Will Be Given To-morrow in Hospital Courtyard.

The Barnum-Bailey-Ringling Brothers combined shows, the herds of elephants, the coterie of clowns and all the other feature acts that can be readily moved will arrive in the courtyard of Bellevue Hospital to-morrow morning for the annual performance at that institution. The lions, the tigers and the monkeys, the performing bears and the trained seals—the entire show except certain of the trapeze acts—will be seen in the ring that has been constructed in the courtyard.

Seals for convalescent patients will be provided at the ringside; others will be wheeled to the balconies. The special performance will begin at 10 o'clock and last until lunch time.

COUPLE SOLD A FAKE MOVIE HOUSE, IS CHARGE

Man and Woman Got \$2,000 on Scheme, Say Police.

William V. Jackson, a motion picture electrician, and Etta Stewart, a clothing operator of 235 West Thirty-fourth street, were arrested last night by Detectives Buckley and McNamara charged with grand larceny, acting in concert and using the mails to defraud.

The specific charge is that Jackson and the woman induced Paul Negri of 700 Westchester avenue, The Bronx, to invest \$400 in a mythical motion picture company. The police allege that they defrauded several other persons in the same manner through advertisements, obtaining about \$2,000. Their trucks were used as a pier for a Savannah steamship when they were captured.

NEGRO SLAYER STOLIDLY GOES TO HIS DEATH

Lawrence Torrence, a negro, 25 years old, was put to death in the electric chair at Sing Sing prison last night for the murder of James Rossi in a restaurant on Main street, Buffalo, on May 6, 1921. The negro entered the restaurant to hold it up, and when Rossi refused to raise his hands the negro struck him with a blackjack and then stabbed him. Torrence escaped to Philadelphia, where he was arrested. The news went to the chair with the same stolidity that had characterized him during his confinement in the death house. He spent nine months there and during that time had no visitors, nor did he express a desire for any.

MAN AND WIFE HURT IN STILL EXPLOSION

Police Find Hoosh When Barrel Falls Off Truck in Front of Station.

A ten gallon still in which Antonio Chicillo and his wife, Grutata, were making hoosh exploded last night at 7 o'clock in the kitchen of their apartment at 6088 Eighth avenue, Brooklyn. Both were badly burned and scalded about the face and arms, and were sent to the Kings County and New York hospitals, respectively, by Dr. Ba-pore. Mrs. Chicillo is likely to die. Her husband will recover.

Neighbors who heard the explosion summoned the Fire Department and the blaze was confined to the kitchen with little damage. Detective Ray Honan arrested Chicillo at the hospital.

At 55 Main street, near Brooklyn Police Headquarters, the police found a fifty gallon still in operation in the afternoon. Capt. Callahan, Sergt. Eardon and Patrolman O'Connor, who made the raid, smashed the front door of the house and arrested a man who said he was James Marco of 72 Roosevelt street, Manhattan. Besides the still the raiders got four barrels of denatured alcohol and six five gallon jugs of whiskey.

When the police of the Atlantic avenue station noticed a barrel dropped in front of the station from a motor truck, they smelled hoosh. They arrested Louis Farkas of 501 Cherry street, Manhattan, driver of the truck, and seized forty-eight other barrels with the truck.

Farkas was held in \$500 in Gate avenue court. Wood alcohol claimed another victim in John W. Willis, 45, who was found lying in a coma in front of 317 Bowery. He died in Bellevue.

\$140,500 IN RUM FINES; 12 SENT TO PRISON

Wisconsin Liquor Ring Leaders in Federal Court.

Special Dispatch to THE NEW YORK HERALD. MILWAUKEE, April 20.—Twenty members of the \$2,000,000 Milwaukee-Kenosha liquor ring got sentences to-day ranging from one to five years, under fines imposed of \$10,000. This figure does not include a fine of \$10,000 previously imposed on Joseph Budar. Twelve of the defendants received prison terms. Eight escaped with fines. The heaviest penalty was imposed upon Walter M. Burke, Kenosha attorney, convicted of conspiracy to bribe Bert P. Herzog, former prohibition enforcement chief. He got two years in Leavenworth and was fined \$14,000.

Thomas A. Delaney, former prohibition director for Wisconsin, and Joseph Ray, former prohibition inspector, got two years each in Leavenworth and fines of \$10,000. Joseph Dudenhofer, Sr., and his son each were fined \$20,000.

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